

No-Longer-Naked-City: Mayor Giuliani and City Council allies plan to strip New York of porn.

By Mark Schoofs

Norman Siegel knew he was right when he saw the maps. Created by the Department of City Planning, the maps show where "adult establishments" are currently permitted in New York City and where they would be allowed under new zoning regulations proposed by Mayor Giuliani and the City Council. Siegel, who is executive director of the New York Civil Liberties Union, had been fighting these regulations on classic First Amendment grounds, but friends had criticized his defense of porn. After all, the city wasn't outlawing triple-X video stores and topless bars, it was just zoning them to "appropriate" areas.

The maps show, as Siegel puts it, how the city intends to "vacuum out porn from the middle of every borough" and banish it to the fringes of the city. Triple-X businesses would only be allowed in manufacturing and "high-density" commercial zones—and then only if 500 feet away from a residential zone, school, day care center, church, or other adult business. Even more alarmingly, the maps reveal the city's chicanery.

LaGuardia and JFK airports are depicted as available to triple-X businesses, as are the Brooklyn Navy Yard and Rikers Island. In Manhattan, many of the plots supposedly open to porn are occupied by hulking facilities for the likes of Con Edison, Greyhound, UPS, and the Department of Sanitation. The largest adult territory is the western coast of Staten Island, a wide swath so remote from the rest of the city that it houses a derelict container port, a state prison, a bird sanctuary, and the nation's largest garbage dump.

Department of City Planning executive director Andrew Lynn admits that the maps indicate "some areas" are open to triple-X uses even though "they won't locate there for one reason or another—it's an air-

port or a landfill." But DCP continues to send those maps out to community boards, which are considering the zoning regulations.

Although the city admits to the map sham, almost none of the zoning plan's major proponents will cop to an even bigger deception.

Mayor Giuliani, City Council point men Walter McCaffrey and Charles Millard, and Times Square Business Improvement District chief Gretchen Dykstra all insist the zoning proposal is not a morality crusade. Zoning is necessary, they contend, because adult businesses have "negative secondary effects," legalese for higher crime and lower property values.

Trouble is, their own studies don't prove such secondary impacts. And if their motivations are morally neutral, then why the ban on adult establishments within 500 feet of a church? Why do the regulations require existing adult establishments to change the nature of their business, move, or close down if a new church opens within a 500-foot radius? Like schools and day-care centers, churches are "sensitive receptors," responds Lynn, places where "family-oriented activities" take place.

Make no mistake: the zoning rationale is just drag. Underneath the no-nonsense urban planning rhetoric lies a family-values morality that would impose itself on a very popular pleasure. According to the trade journal *Adult Video News*, more than 550 million erotic videos were rented last year. No statistics are available for the number of New Yorkers who patronize the 177 theaters, strip joints, and video shops that DCP deems "adult," but it must be many tens of thousands.

The regulations are expected to come before the City Council for an autumn vote. Despite growing opposition—at least five of Manhattan's 12 community boards have essentially rebuffed the proposed regulations—they will probably pass. If they do, they will subvert the First Amendment and imperil artistic expression. They will corset sexual freedom, especially that of gays. And by "cleaning up" Times Square and the rest of the city, they will surrender New York's urban grit to Disney's pixie dust.

John Wessel co-owns a gallery in Tribeca, right next to a church with ties to Pat Robertson's Christian

Coalition. Wessel is currently showing a Robert Mapplethorpe exhibition with, among other "deliberately provocative" images, a double fist fuck.

The sweeping regulations define an "adult bookstore" by whether "a substantial portion of its stock-in-trade" includes literature or "visual representations which are characterized by an emphasis upon the depiction or description of 'specified sexual activities' or 'specified anatomical areas.'" While the zoning proposal is too vanilla to "specify" Mapplethorpe's fancier feats, its definition of contraband acts includes "sodomy" and "erotic touching of human genitals, pubic region, buttock, anus or female breast."

The regulations also take aim at establishments that "regularly" feature "live performances which are characterized by an emphasis on" nudity or sex, and the definition of nudity encompasses "human male genitals in a discernibly turgid state, even if completely and opaquely concealed."

Says Wessel, "I can just see one of those fundamentalist types wrapping my gallery in these regulations."

City officials swear the regulations would never be used against "legitimate" galleries and theaters, or "general interest" newsstands, bookstores, and video outlets that have an adult section. The regulations, they say, are aimed at all-porn video stores and nude bars.

But that's not how the proposed law is written. Referring to the "substantial portion" phrase, SoHo gallery owner Ronald Feldman says, "The word *substantial* is unclear. Does it mean 10 per cent or 90 per cent?" Noting that he has shown "vaginal images" by the artist Hannah Wilke, Feldman says, "I don't want to be subject to someone's interpretation of an unclear law. You could get someone in power who is very righteous."

Already, some people want the 500-foot buffer expanded, and others want it to encircle more "sensitive receptors." Parents in the Bronx want porn far from parks and playing fields. Others believe adult establishments shouldn't be near school bus stops. One civic leader in Brooklyn objected to a triple-X shop opening "near a McDonald's and Burger King where high school kids hang out," and Washington Heights's Community Board 12 has formally asked the city to keep adult establishments away from senior citizens homes, hospitals, and cemeteries.

Once ignited, hysteria is hard to contain. Like the current proposal, city statutes "didn't define 'obscenity'" when Anthony Comstock's Society for the Suppression of Vice rose to power in the late 19th century, says historian Timothy Gilfoyle, whose prize-winning book *City of Eros* chronicles New York's attempts to regulate prostitution from 1790 through 1920. Comstock "interpreted the law so broadly," says Gilfoyle, that he raided the Art Students League on 57th Street and arrested feminist Margaret Sanger for distributing birth control information.

The proposed regulations would be interpreted on the streets by inspectors for the Department of Buildings. Their citations could be appealed, but the cost could have its own chilling effect. William Dobbs, an attorney and gay activist who vigorously opposes the zoning effort, sums up the threat: "These regulations would turn building inspectors into culture czars."

Dykstra, of the Times Square Business Improvement District, is confident moralism won't get out of hand. "That's why the courts are there," she shrugs. But the courts have often imposed a conservative morality. In the 1986 case *City of Renton v. Playtime Theaters*, the Supreme Court ruled that the Washington city could zone triple-X businesses out of 95 per cent of its land. That same year, in *Bowers v. Hardwick*, the court cited the Bible as it affirmed the government's right to imprison a man for having gay sex in the privacy of his own bedroom.

Stroll along Christopher Street, past Sheridan Square where the Stonewall Riots launched the modern gay movement, to Hudson Street. On the corner stands Christopher Street Books, as it has for more than a quarter century, supplying homo porn and alcoves for men to have sex with one another. Up the block is Harmony Video, which sells mostly gay erotica, and a few doors down is a smaller gay video store. All three of these businesses are listed by the Department of City Planning as adult establishments, as is the nearby Prince Theater. If the zoning law passes, all of them will have to neuter their sexual content, relocate, or shut their doors.

Like other erotic enclaves that would be razed, Christopher Street offers fantasies for sale, but it also provides something critical to gay culture: affirmation. Men who want to break out of the closet, experiment with other men, or just escape society's profound antigay attitude know they can duck into one of the porn stores on this storied street and see gay sex celebrated.

"Oh, please," scoffs McCaffrey. The Woodside, Queens, City Council member (who voted against the city's lesbian and gay rights ordinance) thinks gay men don't need porn to discover or affirm their sexuality—and some gay people agree. Wayne Hoffman, a writer for the *Washington Blade* and other gay papers, explains, "Commercial sex establishments have become symbolic of the repressive times in which they were born," times when porn palaces were among the few venues closeted men could cruise for sexual partners. "Increasingly, the sense is that these places aren't needed any

more. But even in 1995, not everybody is privileged enough to come out and lead a full-time, openly gay lifestyle."

Of course, not everyone wants to be an IKEA couple. Queers, says NYU American Studies professor Lisa Duggan, seek "an alternative to privatized domesticity." Not just waystations on the trail to mainstream gay pride, porn palaces are also outposts of cultural and sexual resistance. Video stores, nude theaters, and topless bars offer a thousand visions of sex outside of marriage (or domestic partnership), including the "loveless sex" Bob Dole doesn't want anyone to enjoy.

Gay liberation sought to free almost all sex—"loveless" and otherwise—from its shackles of shame. While not every homosexual agrees, gay male culture generally views pornography as salutary—and, in the age of AIDS, safe. So vast is the divide between gay and straight views of porn that early in the process of drafting the zoning regulations, a proposal was made—and summarily dismissed—to exempt gay establishments. Now gay leaders fear unequal enforcement. Says historian Gilfoyle, "New York's neighborhoods are too diverse to think that somebody isn't going to be outraged by some gay establishment and seek to close it down with this legislation."

Feeling threatened, gay men are in the forefront of the opposition to the regulations. Joining them are lesbians, who feel their small world of pornography, topless dancers, and performance spaces is especially vulnerable. "Lesbian sex culture," says Jocelyn Taylor, a founder of the Clit Club, a local erotic venue for women, "has just started growing." Over the last decade, dyke erotica has been popularized by writers such as Susie Bright, founder of the lesbian porn magazine *On Our Backs*, and Pat Califia, author of several books including *Macho Sluts* and *Public Sex*. Together with Duggan and others, they have also played a major role in shaping pro-porn feminism, which champions pornography's liberating potential for all women, gay and straight.

A lot of women are listening. According to last year's famously conservative sex study by the University of Chicago's National Opinion



Will homoerotic be targeted unfairly?

Research Center, 11 per cent of American women purchased an erotic video or film in the previous year. A survey of general-interest video outlets found that women rent almost a quarter of adult videos. The political benefits of porn have even found their way into *Harper's Bazaar*. An article last year entitled "Women Who Love Porn" quoted erotica creator Lisa Palac describing an epiphany she had the first time she watched a sex video by herself: "For me, an orgasm was something someone gave to you. But watching a movie, I realized I could be sexually autonomous."

Women's autonomy is exactly what the zoning proposals attack, says Duggan. By restricting triple-X businesses to remote, poorly lit industrial areas, the regulations make them "more likely to be a male-only preserve."

Of course, most porn is currently produced by and for straight men, and a lot of it traffics in "sexualized

violence," says feminist cultural critic bell hooks. But she fears a ban on nefarious material would endanger all erotica. "To uphold the right of people to be able to buy porn and erotica within their communities," she says, "one unfortunately has to condone the selling of pornography that perpetuates sexism and racism."

That deplorable element may be one reason straight male porn patrons haven't raised their voices against the zoning proposal, even though the overwhelming majority of triple-X businesses cater to them. When straight men have fought the regulations, they have done so as civil libertarians, artists, and porn entrepreneurs—but not as the fellows who ogle topless dancers or stroke themselves in peep shows. At a crowded committee hearing of Times Square's Community Board Four, Amy Stone, a dancer at Show World, said a few of her customers were present. "They haven't spoken," she said, "but I see them."

A feminist such as hooks has credibility when she says, "All attempts to suppress sexual material, or to make it secret or taboo, endanger sexual liberation." No matter how benign his proclivities, a straight male porn user who says the same thing risks appearing self-serving and misogynistic.

By far the biggest reason why the legions of triple-X patrons—men and women, gay and straight—aren't crying foul is that most of them are just plain sexually ashamed. And the pro-zoning forces are exploiting this. McCaffrey, for example, suggests that many porn patrons might welcome the zoning regulations because they "will feel much more comfortable going to someplace where they won't be seen." This kind of "comfort" is exactly what the right wing seeks, because it is not comfort at all. It is shame, and that emotion renders a person cowed, docile, and easy to oppress.

The zoning proposal is merely one part of a conservative backlash (just last week, the Senate voted overwhelmingly to ban "filth" from the Internet) that seeks to curtail women's sexual freedom, roll back the lesbian and gay movement, and keep everyone ashamed of their non-marital desires. Those are the ultimate stakes in this battle.

But the immediate effect of the zoning regulations would be to crimp pleasure. By the city's own estimates, the zoning regulations would decrease the number of adult businesses by a whopping 85 per cent. Only 25 establishments would be left to serve the city's 7 million residents and 24 million tourists who pass through every year. No doubt some new ones would open, but the fellow who wants a lap dance before taking the train back to Jersey, the woman who wants to watch men strip down to G-strings, the gay guy who wants to see and be seen in a buddy booth, the lesbian couple who thrill to the sight of go-go girls, the sailors who flock to Times Square each Fleet Week for action they could never find in their home towns—all these people would have fewer, more remote places to get their kicks. Anything but trivial, erotic pleasure is one of life's few compensations for being nasty, brutish, and short.

"I don't want to live next door to a porn shop." It's so common a sentiment that it only raises eyebrows because it comes from Terrence McNally, author of *Love! Valour! Compassion!*, a play as famous for its display of specified anatomical parts as for its Tony award. While McNally doesn't believe "plays should be censored at all," his no-porn-near-me attitude is shared by almost as many liberals as conserv-

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But do adult establishments really disrupt a neighborhood's "quality of life?" Both the city and the Times Square Business Improvement District brandish studies they say prove their case. Prepared in anticipation of court challenges, the studies quote a plethora of community members denouncing porn stores as "dirty," "seedy," "harmful," and so on. Peel back the rhetoric, however, and the facts tell quite a different story.

Consider crime. The Department of City Planning compared areas with adult establishments to areas without in six neighborhoods: Chelsea, the Upper West Side, Fordham in the Bronx, Sunset Park in Brooklyn, Sunnyside in Queens, and South Beach in Staten Island. Indeed, there were more criminal complaints in four of the areas with adult businesses—but in three of those four cases, the triple-X area was larger. When individual blocks were compared, only three of the porn blocks had more complaints. DCP also interviewed a police officer in each of the six study areas. Four of the officers said that adult establishments have no effect on crime.

A more consistent correlation to crime, according to the DCP study, was the proximity of subway stations and other transportation facilities. This may well explain why the TSBD study found "a continuing reduction in crimes along Eighth Avenue" from 42nd Street to 48th Street. TSBD attributes the reduction to distance from 42nd Street's adult establishments, but it could just as well be the distance from the 200,000 people who pour out of the Port Authority Bus Terminal each day and the quarter million who pass through the Times Square subway station. But the TSBD study makes no mention of this possibility at all.

Concern about property values, a concern not only to big corporations such as Disney but also to New York's increasing number of condo and coop owners? The studies quote scads of realtors and citizens speculating that adult businesses lower property values. The DCP report gives such opinions great weight: "Years of urban planning experience confirm that these perceptions... are important because people act on their perceptions." But once again, the facts don't substantiate the claim.

In four out of its six cases, DCP found that the assessed value of residential and commercial property on blocks with triple-X businesses increased at a higher rate than those without them. As for TSBD, it found that the farther away one moved from the 42nd Street transportation-and-crime hub, the faster assessed values rose. The report, of course, attributes this to distance from the porn cluster.

In a particularly revealing section, the TSBD report zoomed in on individual property lots along a porn-laden strip of Eighth Avenue. Apparently, the purpose was to test an appraiser's assertion that "there is no way to encourage increased value of businesses in the long run if they are next door to a concentration of pornography establishments." Trouble is, the value did go up.

One property lot, sandwiched between the Capri and the Eros I adult theaters, rose by 61 percent over an eight-year period—exactly the rate for Manhattan as a whole and a smidgen above the rate for the Times Square area. The property on the other side of the Capri appreciated by a whopping 136 percent. And so it went for all 13 properties located next door to adult establishments. Some skyrocketed in value, others

rose moderately. Putting the best face on underwhelming evidence, the TSBD report concludes: "While it may well be that the concentration of adult use establishments has a generally depressive effect on the adjoining properties, as a statistical matter we do not have sufficient data to prove or disprove this thesis."

So what about folks who fear a topless bar will bring down the neighborhood? "Oh dear," sighs Jane Jacobs, the 79-year-old urban guru who wrote *The Death and Life of Great American Cities*. "These are not really city people."

She points to Times Square, noting that it has long been a tossed salad of the gaudy and the glamorous. "Sure you went past a burlesque parlor, and their ads were as raunchy as possible, but so what? It was in the context of a whole lot of things that weren't that way." Saying the variety made it "a great place," she recalls something a friend once told her: "A city is a place where you can buy a violin and keep a mistress."

Jacobs is not a sex radical. She thinks triple-X businesses are a "problem," and like a lot of people, she believes many in a neighborhood are worse than one. But she scorns the plan to banish porn to remote industrial areas. Though the city denies it, she says the proposal "couldn't be a clearer statement of contempt for manufacturing and the people who work in manufacturing."

More profoundly, she believes the plan stems from an invidious "ghetto notion that goes very deep in American cities and city planning—if you have a problem, or people and activities that are regarded as a problem, you cordoned them off." What the city should do, she says, is exactly the opposite: "keep porn in hand by keeping it in a context of civilization."

It's not impossible if the city won't let the marketplace regulate porn, it could listen to Community Board Four, on the western edge of Times Square. It called for triple-X businesses to be permitted in "current allowable zoning districts," provided they are 500 feet apart. That's similar to Manhattan Borough President Ruth Messinger's proposal to limit adult establishments to one per block. The city could expand on TSBD's successful safety and sanitation efforts by vigorously enforcing nuisance laws throughout the city and by requiring triple-X establishments to police their premises. It could also take a cue from Chicago, which requires extensive licensing of porn operators.

Each of these proposals has problems, but they all draw on a deep wisdom about cities. "You might compare a city to human psychology," says Luc Sante, chronicler of New York's underbelly in the books *Low Life* and *Evidence*. "Shoving your anger and your rage and your depression back into the deepest recesses will never make it go away, but in fact will make it worse."

Like Jacobs, Sante has qualms about the porn industry. But he detests Disney's plans for Times Square, calling them "a denial of everything that's not squeaky clean and brightly colored." The company, which is already running the musical *Beauty and the Beast* in Times Square, is planning to renovate 42nd Street's New Amsterdam Theater and, together with real estate giant Tishman, develop a huge new hotel tower kitty-corner to the Port Authority Bus Terminal. The architect's plans call for decorating the tower with pixie dust. Sante fears all this will transform Times Square into a "Candyland which will be visited exclusively by tourists and shunned by the rest of the city."

He's probably right, but only because the city has capitulated to what Jacobs calls "company town thinking—you get some very big business and hope it will dominate an area. But in a city you don't want any one thing dominating an area, and goodness knows not a company. Because if it is too powerful and its connections are too good, it's going to become like the government and say how the neighbors should behave."

Indeed, one of the concessions the city has made to Disney is to scrub the Crossroads of the World clean of porn, a demand reminiscent of EuroDisney's arrogant and disastrous ban on wine. If the company were to accept the local culture of Times Square—if it would open up amid all the porn palaces and souvenir shops and greasy spoons—it would still make a killing. What about the children? "They are the last people to pay attention to sex shops," huffs Jacobs. "I'm a mother, I know. I used to take my children up to Times Square. Adults are interested in sex shows, not children." In fact, the frisson of nearby naughtiness might well attract more customers. And by its very presence, Disney would balance the porn.

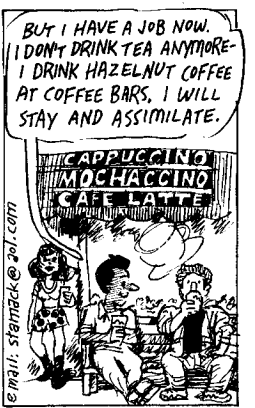
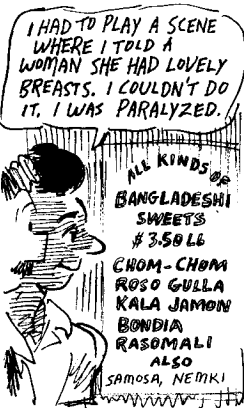
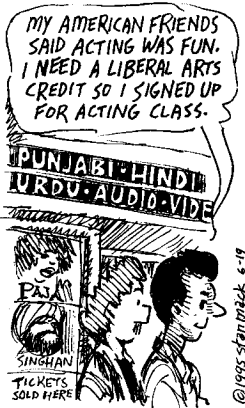
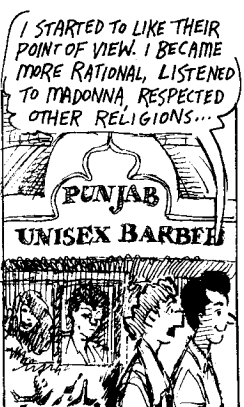
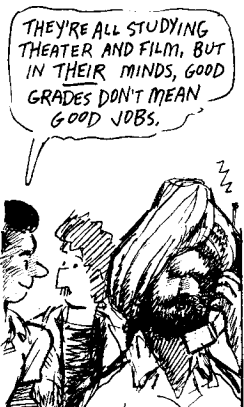
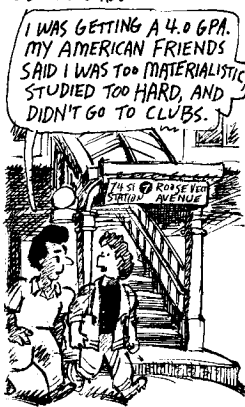
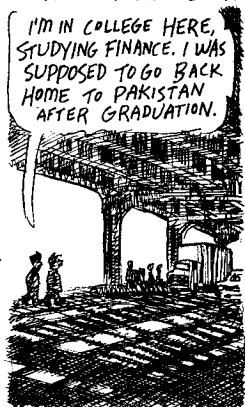
As it is, city planners are trying to separate violins from mistresses, proving that they don't understand what a city—especially this city—is all about.

A forum to rally opposition against the zoning proposal will take place Wednesday, June 28, from 7 p.m. to 9 p.m., at the Lesbian and Gay Community Services Center, 208 West 13th Street. For information, call the Empire State Pride Agenda at 212-673-5417.

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